

REMARKS

The Office Action of January 22, 2010 has been reviewed and the comments therein were carefully considered. Claims 9, 27, 29, 30-31, and 33-52, 54-56, and 58 are pending. Claims 30-31 have been withdrawn from consideration. Applicant is amending claims 29, 33, 35, 37, 38, 43, 45, 47, 48, 51, and 52.

The Office Action Summary indicates that claims 9, 27, 29, 33-44, 51, and 52 are rejected, although the Detailed Action only provides arguments for the rejection of claims 51 and 52. However, the Office Action asserts that a “change of status of rejected claims will be determined and informed accordingly after receiving and overcoming 35 U.S.C. 112 rejections.” (Page 2.)

The Office Action Summary indicates that claims 33-42, 45-50, and 53-58 are objected to, but the Detailed Action fails to provide any further explanation. However, in the previous Office Action claims 33-42, 45-50, and 53-58 were objected to as being dependent upon a rejected base claim, but would be allowable if all corresponding objected claims are merged and rewritten in independent form including all of the limitations of the base claim and all intervening claims.

Claim Rejections Under 35 U.S.C. §112

Claims 51-52 are rejected under 35 U.S.C. 112, first paragraph as allegedly failing to comply with the enablement requirement.

The Office Action alleges (Page 2. Emphasis added.):

The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant claimed "A computer readable storage medium encoded with instruction". **Specification is silent and does not provide any description of this medium. It is not clear to examiner what does constitute this medium. Is it a tangible medium, such as hard disk CD ROM etc, or a non tangible medium, such as carrier wave, signal or transmission medium?** Examiner requests a proper and concise description in specification, if possible, to ascertain the scope of this entity.

Applicant is amending independent claim 51 to be directed to “A tangible computer readable storage medium encoded with instructions, when executed by a processor, cause the processor to

perform.” The amendment is supported by the patent application as originally filed, *e.g.*, Figure 4 and page 3, lines 7-15. Referring to Figure 4, the specification recites (Page 3, lines 7-15.):

Referring to Figure 4, a schematic illustration of a transceiver unit is shown. Only as many functional blocks and interconnections are shown in this diagram as are necessary to explain in the following how a transceiver unit and the communication network operates. The transceiver unit 40 contains a number of functional elements including: an antenna 46, receiver 50, synchroniser 52, header decoder 54, controller 60, memory 56, packetiser 42, clock 68, frequency hop controller 48 and transmitter 44. Although these elements are shown as separate elements they may in fact be integrated together and may be carried out in software or in hardware.” (Page 3, lines 7-15.)

The specification further recites that “memory 56 may store applications.” (Page 4, lines 26.) Applicant believes that claim 51 is clear what constitutes the computer readable storage medium and complies with 35 U.S.C. §112, first paragraph. Moreover, claim 52 is directed to the computer readable storage medium as claimed in claim 51 and complies with the enablement requirement for at least the above reasons. Applicant thus requests reconsideration of claims 51 and 52.

Applicants therefore respectfully request reconsideration of the pending claims and a finding of their allowability. A notice to this effect is respectfully requested. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

Respectfully submitted,

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